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New

**COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983**

Name SANTELLANO PAUL A

(Last) (First) (Initial)

Prisoner Number J00586

Institutional Address P.O. BOX J00586 (S.F.S.P.)  
SAN QUENTIN, CALIF. 94974

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

PAUL A. SANTELLANO  
(Enter the full name of plaintiff in this action.)

vs.

(WARDEN) ROBERT AYERS, JR.; SERGEANT  
BAKER; LT. FULLER; CORRECTIONAL OFFICER  
COOK; WATCH COMMANDER; SAN QUENTIN  
PRISON EMPLOYEES, ET AL. DOES 1 TO 100  
(Enter the full name of the defendant(s) in this action))

**CV 07**

Case No. **5788**  
(To be provided by the clerk of court)

**COMPLAINT UNDER THE  
CIVIL RIGHTS ACT,  
42 U.S.C §§ 1983**

[All questions on this complaint form must be answered in order for your action to proceed.]

1. Exhaustion of Administrative Remedies

[Note: You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement SAN QUENTIN STATE PRISON

B. Is there a grievance procedure in this institution?

YES ☒ NO ☐

C. Did you present the facts in your complaint for review through the grievance procedure?

YES ☒ NO ☐

D. If your answer is YES, list the appeal number and the date and result of the

COMPLAINT

1 appeal at each level of review. If you did not pursue a certain level of appeal,  
2 explain why.

3 1. Informal appeal STAFF COMPLAINT CCR. 3391 TITLE 15,  
4 PENDING

5  
6 2. First formal level PENDING

7  
8  
9 3. Second formal level PENDING

10  
11  
12 4 Third formal level PENDING

13  
14  
15 E. Is the last level to which you appealed the highest level of appeal available to  
16 you?

17 YES ( ) NO (✓)

18 F. If you did not present your claim for review through the grievance procedure,  
19 explain why.

20  
21  
22 II. Parties

23 A. Write your name and your present address. Do the same for additional plaintiffs,  
24 if any.

25 HOME ADDRESS: PAUL SANTELLANO

26 2687 PIXANNE CT.

27 SAN JOSE, CA. 95148

28 B. Write the full name of each defendant, his or her official position, and his or her

place of employment.

(WARDEN) ROBERT AYERS, JR.; SAN QUENTIN STATE PRISON WARDEN, WATCH  
COMMANDER ALLEN; CT. FULLER CARSON-SECTION, SERGEANT BAKER;  
CORRECTIONAL OFFICER COOK. DOES 1 TO 100

### III.

#### Statement of Claim

State here as briefly as possible the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

ON SEPTEMBER 19, 2007 I ARRIVED AT SAN QUENTIN STATE PRISON. I WAS THEN  
PLACED INTO AD/SEC. DUE TO PROTECTIVE CUSTODY STATUS, BANG DROP-OUT. SAN QUENTIN  
EMPLOYEES DELIBERATELY HOLED ME IN CARSON SECTION IN AN ACTIVE BANG-MEMBER  
TIER 5 TIER CELL # ON OCTOBER 21, 2007, I WAS DELIBERATELY ASSAULTED  
WITH A SPEAR INTO MY NECK BY A "NORTHERN STRUCTURE BANG-MEMBER". I  
WAS NEVER CLASSIFIED, THEREFORE I WAS PLACED IN DANGER OF MY LIFE AND  
SAFETY BY SAN QUENTIN CORRECTIONAL STAFF ON 10/21/07 APPROXIMATELY AT 6:00 AM.  
I WAS BEING ESCORTED BY SAN QUENTIN CORRECTIONAL OFFICER COOK - TO THE SHOWER  
ON THE 6TH TIER. CELL 6 TO CELL 7# IN MATE GRAY AN ACTIVE NORTHERNER  
STRUCTURE BANG MEMBER SPEARED ME AS I WAS WALKING BY. CORRECTIONAL  
OFFICER COOK, SEEN THE RESULT OF BLOOD AND WHAT WAS TAKING PLACE AND  
PRESS HIS ALARM, I WAS TAKEN TO THE INFIRMARY FOR STAB WOUND WHERE  
THE SPEAR ENTERED AND EXITED OUT MY NECK.

#### IV. Relief

Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

WHEREFORE, PLAINTIFF PRAYS FOR THE FOLLOWING JUDGEMENT . . .

1 PLAINTIFF PRAYS FOR GENERAL DAMAGES AGAINST SAN PIENTIN CORRECTIONAL  
2 OFFICERS, PUNITIVE DAMAGES, MONETARY DAMAGES, COMPENSABLE DAMAGES  
3 REASONABLE ATTORNEY FEE'S, PURSUANT TO 42 U.S.C. 1988, COST FOR THE SUIT  
4 PLAINTIFF "DEMANDS JURY TRIAL", AND SUCH OTHER AND FURTHER  
5 RELIEF AS THE COURT MAY DEEM JUST AND PROPER. \$4,000,000<sup>00</sup>  
6 DISCHARGE STATE PAROLE.

7 I declare under penalty of perjury that the foregoing is true and correct.

8  
9 Signed this 8TH day of NOVEMBER, 2007

10 Paul A. Santellane  
11  
12 (Plaintiff's signature)